
HOUSE BILL 3073

State of Washington 60th Legislature 2008 Regular Session

By Representatives Warnick, Blake, Kretz, Hinkle, Kessler, and McCune

Read first time 01/22/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to forage and mulches; amending RCW 17.10.070 and
2 17.10.201; adding new sections to chapter 17.10 RCW; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that the United States
6 forest service has adopted additional requirements for certification of
7 forage and mulches used in federal wilderness areas and on forest
8 service lands that take effect January 1, 2009. The legislature finds
9 that county noxious weed control boards and districts have expertise
10 regarding weed identification and control and that many have indicated
11 a willingness to administer a certification program at the local level.
12 The legislature finds that county noxious weed control boards have the
13 authority to enter into reasonable agreements with appropriate
14 authorities for the control of noxious weeds on federal lands. The
15 legislature intends to authorize the Washington state noxious weed
16 control board, in conjunction with interested county weed boards and
17 weed districts, to formulate and coordinate a certification program
18 that meets these federal requirements.

1 The legislature finds that due to the limited time between the
2 effective date of this section and the commencement of the upcoming
3 forage season, the program may need to be implemented in phases.
4 Therefore, the legislature intends that the program developed for the
5 2008 forage season contain, at a minimum, components necessary to meet
6 the United States forest service requirements taking effect January 1,
7 2009.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 17.10 RCW
9 to read as follows:

10 (1)(a) Forage certified under this section shall be referred to and
11 designated as wilderness forage.

12 (b) Wilderness forage may not be treated with any postharvest
13 fumigants or insecticides.

14 (c) The authority of the state noxious weed control board under
15 this section does not apply to hay, straw, or mulches exported to
16 markets outside of the United States.

17 (2)(a) The state noxious weed control board, in conjunction with
18 county noxious weed control boards and weed districts, shall enter into
19 memoranda of agreement to implement a program for the 2008 forage
20 season that meets the minimum requirements established by the United
21 States forest service. This authority shall continue for subsequent
22 forage seasons until a rule under (b) of this subsection is adopted.

23 (b) The state noxious weed control board shall work with
24 representatives of county noxious weed control boards and weed
25 districts, the United States forest service, forage grower
26 associations, weed management associations, horse owners' associations,
27 and other interested parties to develop a rule in accordance with
28 chapter 34.05 RCW to design a permanent program. The board shall
29 review and evaluate the rules pertaining to similar forage and mulch
30 certification programs adopted in neighboring states including those
31 adopted by Idaho.

32 (c) The state noxious weed control board shall provide a report to
33 the appropriate committees of the legislature by December 1, 2008,
34 regarding the activities taken under this section and the progress and
35 issues encountered in formulating a permanent program.

1 **Sec. 3.** RCW 17.10.070 and 1998 c 245 s 3 are each amended to read
2 as follows:

3 (1) In addition to the powers conferred on the state noxious weed
4 control board under other provisions of this chapter, it has the power
5 to:

6 (a) Employ a state noxious weed control board executive secretary,
7 and additional persons as it deems necessary, to disseminate
8 information relating to noxious weeds to county noxious weed control
9 boards and weed districts, to coordinate the educational and weed
10 control efforts of the various county and regional noxious weed control
11 boards and weed districts, and to assist the board in carrying out its
12 responsibilities;

13 (b) Adopt, amend, or repeal rules, pursuant to the administrative
14 procedure act, chapter 34.05 RCW, as may be necessary to carry out the
15 duties and authorities assigned to the board by this chapter.

16 (2) The state noxious weed control board shall provide a written
17 report before January 1st of each odd-numbered year to the county
18 noxious weed control boards and the weed districts showing the
19 expenditure of state funds on noxious weed control; specifically how
20 the funds were spent; the status of the state, county, and district
21 programs; and recommendations for the continued best use of state funds
22 for noxious weed control. The report shall include recommendations as
23 to the long-term needs regarding weed control.

24 (3) The state noxious weed control board shall develop and
25 coordinate a uniform program for use within the state that meets the
26 United States forest service prevention standards 3 and 4 from the
27 Pacific Northwest region invasive plant program record of decision
28 applicable to forage and mulches for use in wilderness and backcountry
29 areas that includes the following components:

30 (a) Allows county weed boards and weed districts to provide a
31 certification service on a voluntary basis upon request by forage and
32 mulch producers that confirms that their forage and mulches meet United
33 States forest service requirements that apply to forage and mulches
34 used in wilderness and backcountry areas;

35 (b) Coordinates the training for participating county noxious weed
36 control boards' and weed districts' staff or contract employees on
37 certification standards and procedures;

1 (c) Purchases, stores, and distributes specifically colored twine,
2 identification tags, and other materials required to designate that the
3 forage or mulch meets certification standards;

4 (e) Provides educational material to interested forage and mulch
5 producers; and

6 (f) Provides a list of producers in Washington state from which
7 certified products are available for posting on appropriate web sites.

8 NEW SECTION. Sec. 4. A new section is added to chapter 17.10 RCW
9 to read as follows:

10 If certification services for wilderness forage are not available
11 to a forage or mulch producer from the county noxious weed control
12 board in which the producer's land is located, the producer may request
13 certification from an adjacent county's noxious weed control board, or
14 from the Washington state crop improvement association, only if the
15 certification is performed in accordance with the same standards and
16 procedures as those performed under this chapter by other county
17 noxious weed control boards.

18 **Sec. 5.** RCW 17.10.201 and 1997 c 353 s 34 are each amended to read
19 as follows:

20 (1) The state noxious weed control board shall:

21 (a) Work with the various federal and tribal land management
22 agencies to coordinate state and federal noxious weed control;

23 (b) Encourage the various federal and tribal land management
24 agencies to devote more time and resources to noxious weed control; and

25 (c) Assist the various federal and tribal land management agencies
26 by seeking adequate funding for noxious weed control.

27 (2) County noxious weed control boards and weed districts shall
28 work with the various federal and tribal land management agencies in
29 each county in order to:

30 (a) Identify new noxious weed infestations;

31 (b) Outline and plan necessary noxious weed control actions;

32 (c) Develop coordinated noxious weed control programs; and

33 (d) Notify local federal and tribal agency land managers of noxious
34 weed infestations.

35 (3) The department of agriculture, county noxious weed control
36 boards, and weed districts are authorized to enter federal lands, with

1 the approval of the appropriate federal agency, to survey for and
2 control noxious weeds where control measures of a type and extent
3 required under this chapter have not been taken.

4 (4) The department of agriculture, county noxious weed control
5 boards, and weed districts may bill the federal land management agency
6 that manages the land for all costs of the noxious weed control
7 performed on federal land. If not paid by the federal agency that
8 manages the land, the cost of the noxious weed control on federal land
9 may be paid from any funds available to the county noxious weed control
10 board or weed district that performed the noxious weed control.
11 Alternatively, the costs of noxious weed control on federal land may be
12 paid from any funds specifically appropriated to the department of
13 agriculture for that purpose.

14 (5) The department of agriculture, the state noxious weed control
15 board, county noxious weed control boards, and weed districts are
16 authorized to enter into any reasonable agreement with the appropriate
17 authorities for the control of noxious weeds on federal or tribal
18 lands.

19 (6) The department of agriculture, county noxious weed control
20 boards, and weed districts shall consult with state agencies managing
21 federal land concerning noxious weed infestation and control programs.

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